

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHANTE JORDAN,

Plaintiff,

VS.

**CSX TRANSPORTATION, INC., AND JOHN
DOES 1-3**

Defendants.

Civil Action No. 2:24-cv-00422

JURY TRIAL DEMANDED

DEFENDANT CSX TRANSPORTATION, INC.'S MOTION TO DISMISS

Defendant CSX Transportation, Inc. (“CSXT”) moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff Shante Jordan’s Complaint¹ for failure to state a claim upon which relief may be granted. This motion is supported by the accompanying Memorandum of Law, which is being filed contemporaneously and which CSXT incorporate by reference.

DUANE MORRIS LLP

/s/ Sharon L Caffrey

Sharon L. Caffrey (49519)

Harry M. Byrne (311733)

1 The Court's docket shows Plaintiff has counsel through Allan J. Aigeldinger, Esq., but Plaintiff is *pro se* in this action and Mr. Aigeldinger was granted permission to withdraw as counsel in state court prior to removal to this Court. Plaintiff filed this action through counsel in the Court of Common Pleas for Philadelphia County. On December 6, 2023, Mr. Aigeldinger filed a Motion to Withdraw Appearance, which was heard before Judge Joshua Roberts on January 9, 2024. ECF No. 1-4 at 17 of 65. The Court granted the Motion at the hearing and entered an Order on January 10, 2024, prior to CSXT filing its Notice of Removal. *Id.* at 43 of 65. Because Plaintiff is *pro se*, CSXT has not sought a pre-motion conference as required by the Court's Policies and Procedures. *See* Procedures, Civil Matters at 1 (discussing pre-motion conference requirements and stating "[t]his procedure does not apply in cases in which either side is *pro se*, or in bankruptcy or social security appeals.")

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